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August 5, 2024

Honorable Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

VIA ECF

Re: United States v. Avraham Eisenberg
23 Cr. 10 (AS)

Dear Judge Subramanian:

Defendant Avraham Eisenberg (“Eisenberg”) will file a combined motion for a judgment of acquittal pursuant to Federal Rule of Criminal Procedure 29 and for a new trial pursuant to Rule 33 prior to the end of today. Unfortunately, we just realized that the Court’s individual rules set a page limit for a Memorandum of Law in criminal cases at twenty five pages. Even if the motions are considered separate, Eisenberg’s memorandum currently exceeds fifty pages and is anticipated to be approximately seventy pages.

Rule 29/33 motions after a trial of the complexity that was conducted in this case require extensive written argument. The same type of complexity of legal issues caused the Memorandum of Law for the pretrial motions to be over sixty pages. In our Rule 29/33 motion, the defense sets forth five grounds for judgment of acquittal and/or the granting of new trial, each of which contain several subparts. The seventy page memorandum is the result of the complexity of the issues and the number of arguments. For this reason, Eisenberg respectfully requests permission to file an enlarged Memorandum of Law.

We apologize for the lateness of this request. The government consents to this application so long as it is afforded until September 17, 2024 to respond to the enlarged memorandum. If granted, the defense would then request until October 1, 2024 to reply. The sentencing hearing in this case was recently adjourned to November 13, 2024 and the parties do not believe the extended response and reply schedule will cause any delay in sentencing.

Again, we apologize form any inconvenience created by the timing of these requests.
Thank you for Your Honor's consideration.

Very truly yours,

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cc: AUSA Thomas Burnett (by ECF)
AUSA Peter Davis (by ECF)
SAUSA Tian Huang (by ECF)